

REMARKS

This present Preliminary Amendment is being submitted with a Request for Continued Examination. Applicants submit that the claims, as amended, recite patentable subject matter in view of the prior art of record and as such, Applicants request passage of the pending claims to issuance.

Amendment to the Claims

Independent claims 46, 49 and 50 have been amended to further recite that the web page is analyzed “using a statistical analysis of the web page content.” These amendments do not add any new matters as the specification, as originally filed, described using statistical analysis for determining the web page content, such as for example page 5, lines 1-4.

Rejection of claims under 35 U.S.C. §103(a)

The pending claims previously stood rejected as being obvious based on the combination of U.S. Published Application No. 2002/0022963 (“Miller”) in view of U.S. Patent No. 5,745,681 (“Levine”).

Applicants maintain that the claimed invention was patentable in view of the Miller / Levine combination prior to enclosed amendments, but submit the present claim amendments solely to further advance the prosecution of the present application to issuance. Regardless thereof, Applicants submit that claims 46, 49 and 50, as amended, provide even further clarification regarding the patentable subject matter in view of the combination of Miller / Levine.

In support of the previous rejection, the Examiner indicates Miller as teaching performing “statistical word frequency analysis” in order to discover one or more keywords.

(See page 3, ¶ C of the Office Action dated October 19, 2006) The Examiner asserts Miller teaches this limitation at ¶186. Applicants respectfully disagree.

Paragraph 186 of Miller describes the flowchart of Fig. 12, which is a process for alerting a user of a promotional offering. Paragraph 186 describes the receipt of a bar code from a user and that bar code is then associated with a product. The bar code is then associated with a product, and subsequently to the user. The user/product relationship is then stored in a database. A search is then performed to match the offer to the product, where the search can be a standard query. Thereupon, the user is presented with the offer.

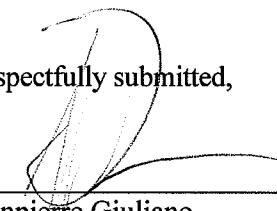
Paragraph 186, as well as Miller in general, fails to teach or suggest, *inter alia*, “using a statistical analysis of the web page content” to detect context for the web page. Miller does not teach or suggest using statistical analysis, but rather relies on the bar code, which represents a product or other type of identifier used for association purposes. In fact, Miller does not even perform “analysis” because the bar code provides the actual representation of the product, thereby obviating the need for any analysis to determine context.

As such, Applicants submit that all pending claims are patentable in view of the prior art of record. Passage of claims to issuance is thereby earnestly solicited.

Should the Examiner maintain the rejection of the claims in view of Miller in combination with Levine, Applicants respectfully request a showing, including specific column and line numbers providing, clarity regarding the assertion of Miller teaching the use of statistical analysis of the web page content to detect a corresponding context.

For at least all of the above reasons, the Applicants respectfully request that the claims be presented for examination. To expedite prosecution of this application to allowance, the examiner is invited to call the Applicants' undersigned representative to discuss any issues relating to this application.

Respectfully submitted,


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Dated: August 30, 2007

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SUBMITTED ELECTRONICALLY THROUGH
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Customer No. 61834